

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIENNE BRICKER and ANTHONY  
BACLAAN on behalf of themselves and  
others similarly situated,

INDEX NO: 08 cv 443 (WHP)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 5/19/08

Plaintiffs,

v.

PLANET HOLLYWOOD NEW YORK, L.P.,  
and ALL STAR CAFÉ (NEW YORK) INC.

Defendants.

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**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties in the above captioned action, that:

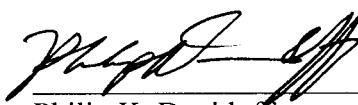
- (A) This matter shall proceed and be conditionally certified as a collective action under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et seq.* ("FLSA") and 29 U.S.C. § 216(b);
- (B) Notice of pendency of this Lawsuit and opt-in forms shall be sent to all tipped employees employed by Defendants after the date that is three years before the filing of the Complaint ("FLSA Collective Members");
- (C) Defendants shall provide Plaintiffs' counsel with names, addresses, and dates of employment of all FLSA Collective Members before July 8, 2008;
- (D) Notice shall not be sent to the FLSA Collective Members until August 8, 2008. The Parties shall spend the interim period attempting to resolve this matter;

(E) The FLSA Collective Member's statute of limitations under the FLSA is tolled from the date of this agreement until the notice is sent; and

(F) The parties will negotiate among themselves the form of notice sent to the Covered Employees; all parties reserve the right to seek the Court's assistance to facilitate this process to the extent that becomes necessary.

Dated: New York, New York  
May 9, 2008

Respectfully submitted,

<p>JOSEPH &amp; HERZFELD LLP</p>  <p>By: D. Maimon Kirschenbaum (DK-2338)</p> <p>Charles E. Joseph (CJ-9442) 757 Third Avenue, 25<sup>th</sup> Floor New York, New York 10017 (212) 688-5640</p> <p><i>Attorneys for Plaintiffs, the FLSA Collective Plaintiffs and the proposed Class</i></p>	<p>FORD &amp; HARRISON, LLP</p>  <p>By: Philip K. Davidoff</p> <p>100 Park Avenue, Suite 2500 New York, New York 10017 212-453-5915</p> <p><i>Attorneys for Defendants</i></p>
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So Ordered:   
Honorable William H. Pauley